

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERALD A. MCGRATH,  
Plaintiff,

v.

DR. RICHARD CRAIG WEISS,  
Defendant.

Case No. [20-cv-08019-DMR](#) (PR)

**ORDER OF TRANSFER**

Plaintiff, a state prisoner, has filed a *pro se* civil rights action pursuant to 42 U.S.C. § 1983 and an application for *in forma pauperis* status. On November 13, 2020, the Clerk of the Court informed Plaintiff that this action has been assigned to the undersigned Magistrate Judge.<sup>1</sup> Dkt. 4.

The acts complained of occurred at Mule Creek State Prison, which is located in the Eastern District of California, and it appears that Defendant resides in that district. Venue, therefore, properly lies in that district and not in this one. *See* 28 U.S.C. § 1391(b).

Accordingly, in the interest of justice and pursuant to 28 U.S.C. § 1406(a), this action is TRANSFERRED to the United States District Court for the Eastern District of California.<sup>2</sup> The Clerk shall transfer the case forthwith.

Dated: November 17, 2020



DONNA M. RYU  
United States Magistrate Judge

<sup>1</sup> To date, Petitioner has not yet returned the form indicating whether he consents to or declines magistrate judge jurisdiction in this action.

<sup>2</sup> Venue transfer is a non-dispositive matter and, thus, it falls within the scope of the jurisdiction of the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(A).